

Read first time and referred to committee on apportionment.

By Senator Sims:

A bill to be entitled an act to repeal Article 1085 A, chapter 16, Title 26 of the Revised Civil Statutes of Texas.

Read first time and referred to Judiciary committee No. 1.

By Senator Atlee:

A bill to be entitled an act to amend Articles 2974, 2978 and 2979 of Title 54, Revised Civil Statutes of the State of Texas.

Read first time and referred to Judiciary committee No. 1.

By Senator Sims:

A bill to be entitled an act to amend Article 1117 Chapter 3, Title 27 of the Revised Civil Statutes of the State of Texas.

Read first time and referred to Judiciary committee No. 1.

By Senator Sims:

A bill to be entitled "An act to repeal article 2461, title 45, of the revised statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Potter:

A joint resolution amending section 16, article 16, of the constitution of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Kimbrough:

A bill to be entitled "An act to protect material men, contractors, sub-contractors, merchants, operators, book keepers, clerks and laborers who perform labor in mill, factory, shop, store and mine, office or farm, against the failure of owners, contractors or agents to pay their wages; and provide a lien for such wages."

Read first time and referred to Committee on State Affairs.

Senator Cranford presented the following notice:

Mr. President—I hereby notify the chair that I have appointed R. W. Holbrook of Franklin county, clerk of the committee on Apportionment.

On motion of Senator Carter the Senate adjourned until tomorrow morning at 10 o'clock.

### THIRD DAY.

SENATE CHAMBER,  
TWENTY-SECOND LEGISLATURE,  
Austin, Wednesday, March 16, 1892.  
Senate met pursuant to adjourn-

ment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

#### PRESENT—27.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Harrison,	Townsend,
Ingram,	Weisiger.
Kearby,	

#### ABSENT—1,

Johnson,

Prayer by Chaplain Dr. Smoot.

Pending the reading of the Journal, on motion of Senator Sims, the further reading of the same was dispensed with.

The following message was received from the House:

House of Representatives,  
Twenty-Second Legislature,  
Austin, March 16, 1892.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed by the House to inform your honorable body of the passage of the following bill:

House bill No. 8. "An act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the first called session of the Twenty-Second Legislature of Texas. Convened March 14, 1892, by proclamation of the Governor." Respectfully,

Finger, Chief Clerk House of Representatives.

Bill read first time and referred to committee on Finance.

#### PETITIONS AND MEMORIALS.

By Senator Kimbrough:

Protest of the Dallas school board against the adoption of the text book bill in public schools.

Read first time and referred to committee on Education.

The following reports were handed in from their respective committees:

COMMITTEE ROOM, }  
Austin, March 15, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred Senate bill No. 2, being "A bill to be entitled an act to amend section 1 of an act entitled an act to amend Article 2899 of the revised civil statutes of the State of Texas, in relation to the recovery of damages for injuries resulting in death."

Approved March 25, 1887.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Pope, Chairman.

COMMITTEE ROOM,  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred Senate bill No. 11, being "A bill to be entitled an act to amend articles 2974, 2978 and 2979 of title 54, revised civil statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Pope, Chairman.

COMMITTEE ROOM, }  
Austin, March 16, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your committee on Rules, to whom was referred a resolution as to the order of business of the Senate making a change in the present rules.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

Pope, Chairman.

COMMITTEE ROOM, }  
Austin, March 15, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your committee on Education to whom was referred Senate bill No. 4, being 'A bill to be entitled an act to amend section '2 A,' of chapter 116, acts of the Twenty-Second Legislature, entitled, an act to provide for

the issuance of certificates to teachers in the public schools; of Texas, and prescribing their duties as such."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Glasscock, Chairman.

COMMITTEE ROOM, }  
Austin, March 15, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your Committee on Finance, to whom was referred

Senate bill No. 9, being "A bill to be entitled an act making an appropriation to pay the bonded debt of Texas now held by individuals and falling due March 1 and April 1, 1892,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Substitute the following for section two (2): Whereas, a portion of said bonds are now passed due and the public faith and credit of the State demand the prompt payment of all public debts; and whereas, the great amount of business before the Legislature and the limited time in which to transact such business, create an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Clemens, Chairman.

COMMITTEE ROOM, }  
Austin, March 15, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your committee on Finance to whom was referred Senate Joint Resolution No. 1, being "A resolution authorizing the Governor of Texas to collect the money due the State of Texas from the United States Government by reason of the direct tax of 1861, and to provide for the disbursement thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Make section two (2) of said resolution section three (3), and insert the following for section two (2):

The Attorney-General, Treasurer and Comptroller of the State of Texas shall constitute an auditing board to audit and pass upon all claims of individuals claiming any part of such monies under such rules of procedure as such board may prescribe, and upon the allowance of any such claim, the Comptroller shall draw his draft upon the Treasurer in payment thereof, and such board shall give such notice and hold such meetings as may be necessary to enable the people to whom such money belongs to readily obtain the same.

Clemens, Chairman.

COMMITTEE ROOM,  
Austin, March 15, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred Senate Joint Resolution No. 2, have had the same under consideration, and I am instructed to report the same back to the Senate with the statement that a similar resolution covering the same matter has this day been reported favorably, said Senate Joint Resolution being No. 2.

Clemens, Chairman.

The attention of the Chair was called to the fact that bills presented at this special session were numbered as continuing from the regular session.

On motion of Senator Frank the calendar clerk was instructed to number the bills of this session in regular order, beginning with No. 1, and that the Journal show this correction to have been made.

BILLS AND RESOLUTIONS.

By Senator Garwood:

A resolution as follows:

Resolved, That the several district clerks of this state be requested to forward to the secretary of the Senate a statement showing the number of cases, civil and criminal, filed and disposed of; also cases now pending during the year 1891 in the district courts of their counties, and the number of weeks that such courts were actually in session. 2. That a copy of this resolution be forwarded to each district clerk of this state.

Adopted.

By Senator Townsend:

Resolved, That Senators Lubbock and Weisiger be added to the committee on Apportionment.

On motion of Senator Tyler the name of Senator Potter was also added.

Senator Crane offered the following substitute:

That all senators not now members of the Apportionment committee shall be added to the committee.

Senator Glasscock moved to table the substitute. The motion to table was lost by the following vote:

YEAS—6.

Atlee,	Glasscock,
Clemens,	O'Neal,
Carter,	Weisiger.

NAYS—20.

Clark,	Lubbock,
Crane,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Garwood,	Searcy,
Harrison,	Simkins,
Ingram,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend.

The substitute was adopted by the following vote:

YEAS—17.

Clark,	Lubbock,
Crane,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Searcy,
Garwood,	Simkins,
Ingram,	Sims,
Kearby,	Tyler.
Kimbrough,	

NAYS—10.

Atlee,	Harrison,
Burney,	O'Neal,
Clemens,	Seale,
Carter,	Townsend,
Glasscock,	Weisiger.

Resolution as amended was then adopted.

Senator Page offered the following resolution:

Whereas, There has been during the past season, great complaint from interior merchants and farmers about loss in cotton weights, as shown by the certificates of interior weighers and the certificates of the public weighers of wholesale shipping points, and

Whereas, It is known that his ex-

cellency, the governor, undertook an investigation of the charges and complaints against the public weighers aforesaid, therefore, be it

Resolved, That his excellency be requested to furnish the Senate all facts, if any, bearing on these charges and complaints developed by his investigation.

Second reading called for.

Senator Kimbrough moved that the resolution be referred to the committee on Agriculture.

Lost by the following vote:

YEAS—2.

Glasscock, Kimbrough.

NAYS—24.

Atlee,	Lubbock,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Garwood,	Sims,
Harrison,	Tyler,
Ingram,	Townsend,
Kearby,	Weisiger.

The resolution was then adopted.

By permission Senator Clemens offered the following report:

COMMITTEE ROOM. }  
Austin, March 16, 1892. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance, to whom was referred

House Bill No. 8, being "A bill to be entitled an act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employes of the first called session of the Twenty-second Legislature of Texas, convened March 14, 1892, by proclamation of the Governor," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Clemens, Chairman.

Senator Clemens moved to suspend pending business and take up out of its regular order House bill No. 8, en-

titled, "An act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employes of the first called session of the Twenty-second Legislature of Texas, convened March 14, 1892, by proclamation of the Governor."

Adopted.

The bill was then read with favorable committee report, and on motion of Senator Clemens, the constitutional rules requiring bills to be read on three several days was suspended and the bill put upon its second reading by the following vote:

YEAS—26.

Atlee,	Kearby,
Burney,	Kimbrough,
Clark,	Lubbock,
Clemens,	O'Neal,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Harrison,	Townsend,
Ingram,	Weisiger.

NAYS—1.

Potter.

Bill read second time and passed to its third reading by the following vote:

YEAS—27.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Harrison,	Townsend,
Ingram,	Weisiger.
Kearby,	

On motion of Senator Carter, the constitutional rules requiring bills to be read on three several days were again suspended, and the bill passed to its third reading and final passage by the following vote:

## YEAS—27.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Carter,	Pope,
Cranford,	Seale,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Harrison,	Townsend,
Ingram,	Weisiger.
Kearby,	

The bill was then passed by the following vote:

## YEAS—27.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Tyler,
Ingram,	Townsend,
Kearby,	Weisiger.

Also by permission Senator Pope sent up the following committee report:

COMMITTEE ROOM,  
Austin, March 16, 1892. }  
Hon. Geo. C. Pendleton, President of  
the Senate:

Sir—Your Committee on Rules, to whom was referred

A resolution providing for three several Committees on Apportionment of the State into Congressional, Judicial and Representative Districts,

Have had the same under consideration and I am instructed to report the same back to the Senate, with the recommendation that it do not pass.

Pope, Chairman.

Senator Weisiner offered the following resolution;

Resolved, That each Senator be allowed thirty copies a day of some daily paper, or papers printing a synopsis of the Senate proceedings, said

papers not to cost more than 3 cents a copy, to be paid for out of the contingent fund of the Senate, this being the practice of the last session.

The Chair announced that this being a regular rule of the Senate, adopted at the regular session, it was still in force and would need no further action.

Senator Glasscock presented the following:

A bill to be entitled "An act to authorize the Governor to receive and receipt to the treasury of the United States for such sums of money as may be due the State of Texas, and the citizens of Texas, in accordance with and under an act of Congress approved March 2, 1891, being an act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax act levied by the act of Congress approved August 5, 1861, and making an appropriation to pay the same out of said fund, to the original parties from whom the same was collected or to their heirs, legal representatives, agents and assigns, and to provide the time and manner of proof necessary to authorize such parties to collect such tax, so refunded to the state and its citizens by said act of congress of March 2, 1891, with emergency clause added to the bill."

Read first time and referred to Committee on Finance.

Senator Carter offered the following:

Resolved, that the President appoint a committee of ten Senators to act with a committee of ten to be appointed by the Speaker of the House, to frame and present to the two Houses such bills as are or may be necessary to put into full operation the amendments to Art. V of the constitution of the State of Texas.

Second reading called for. After debate the resolution was adopted.

By permission Senator Carter offered a "memorial of the bar of Bosque county Texas, praying to be cut off from the counties of Hill and Johnson in a judicial district and favoring Fort Worth as one of the places for holding the court of civil appeals."

Read first time and referred to committee on Judicial Districts,

By Senator Carter:

A bill to be entitled, "An act to divide the State of Texas into three Supreme Judicial Districts, and to provide for and establish a court of civil appeal in each of said districts."

Read first time and referred to com-

mittee on Judicial Districts.

Senate bill No. 9, entitled "An act to make an appropriation to pay the bonded debt of the state of Texas now held by individuals and falling due March 1st and April 1st, 1892," which was reported favorably by committee this morning, was taken up in its regular order and read, with the committee's amendment.

On motion of Senator Clemens the committee amendment was adopted.

Senator Frank offered the following amendment: Amend line 4, committee report, by striking out the word "upon," and insert the word "before."

Adopted.

Question being on the engrossment of the bill it was ordered engrossed.

Senator Clemens moved that the constitutional rule, requiring bills to be read on three several days, be suspended and the bill put upon its third reading and final passage.

Adopted by the following vote:

YEAS—26.

Atlee,	Krbeay,
Burney,	Kimbrough,
Clark,	Lubbock,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Garwood,	Tyler,
Ingram,	Townsend,
Johnson,	Weisiger.

Bill passed by the following vote:

YEAS—26.

Atlee,	Kearby,
Burney,	Kimbrough,
Clark,	Lubbock,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Searcy,
Frank,	Simkins,
Glasscock,	Sims,
Harrison,	Tyler,
Ingram,	Townsend,
Johnson,	Weisiger.

Senate Joint Resolution No. 2 to secure the amount due the State of Texas from the United States, under

the direct tax of August 5, 1861, was taken up and read second time with committee report.

Also Senate Joint Resolution No. 1 on the same subject was read, with a favorable committee report and the following amendment: Make section two (2) of said resolution section three (3) and insert the following for section two (2):

The Attorney-General, Treasurer and Comptroller of the State of Texas shall constitute an auditing board, to audit and pass upon all claims of individuals claiming any part of such monies under such rules of procedure as such board may prescribe, and upon the allowance of any such claim the Comptroller shall draw his draft upon the Treasurer in payment thereof, and such board shall give such notice and hold such meetings as may be necessary to enable the people to whom such money belongs to readily obtain the same.

On motion Senate Joint Resolution No. 1 was considered.

The committee amendment was adopted, and the resolution was ordered engrossed.

Senator Potter moved that the constitutional rule requiring bills be read on three several days, be suspended and that the resolution be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Kearby,
Burney,	Kimbrough,
Clark,	Lubbock,
Crane,	O'Neal,
Carter,	Potter,
Cranford,	Page,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Ingram,	Tyler,
Johnson,	Townsend.

The joint resolution read third time and passed by the following vote:

YEAS—24.

Atlee,	Kimbrough,
Burney,	Lubbock,
Clark,	O'Neal,
Crane,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Garwood,	Simkins,

